

**ATTACHMENT D**

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA

BRIAN D. PIERCE, )  
 )  
Plaintiff, )  
 )  
-vs- ) Civil Action  
 ) No. 03-173E  
PENNSYLVANIA DEPARTMENT )  
OF CORRECTIONS, )  
 )  
Defendant. )

DEPOSITION OF: SANDRA PIETRZAK

DATE: January 20, 2005  
Thursday, 3:20 p.m.

LOCATION: Law Offices of Neal Sanders  
1924 North Main Street Ext.  
Butler, PA 16001  
724-282-7771

TAKEN BY: Plaintiff

REPORTED BY: Toni Rennebeck, RPR  
Notary Public  
NMR Reference No. 30738A

CERTIFIED COPY

1 DEPOSITION OF SANDRA PIETRZAK,  
2 a witness, called by the Plaintiff for examination,  
3 in accordance with the Federal Rules of Civil  
4 Procedure, taken by and before Toni Rennebeck, RPR, a  
5 Court Reporter and Notary Public in and for the  
6 Commonwealth of Pennsylvania, at the Law Offices of  
7 Neal A. Sanders, 1924 North Main Street Extension,  
8 Butler, Pennsylvania, on Thursday, January 20, 2005,  
9 commencing at 3:20 p.m.

6 - - - -

7 APPEARANCES:

8 FOR THE PLAINTIFF:

9 Neal A. Sanders, Esq.  
10 LAW OFFICES OF NEAL A. SANDERS  
11 1924 North Main Street Extension  
12 Butler, PA 16001  
13 74-282-7771

14 FOR THE DEFENDANT:

15 Thomas G. Eddy, Esq.  
16 Senior Deputy Attorney General  
17 Office of Attorney General  
18 Commonwealth of Pennsylvania  
19 Litigation Section  
20 6th Floor, Manor Complex  
21 564 Forbes Avenue  
22 Pittsburgh, PA 15219  
23 412-565-3578

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SANDRA PIETRZAK,  
being first duly sworn,  
was examined and testified as follows:

- - - -

EXAMINATION

- - - -

BY MR. SANDERS:

Q. Would you state your name for the record and spell it for us.

A. My name is Sandra Pietrzak. P-I-E-T-R-Z-A-K.

Q. Ms. Pietrzak, my name is Neal Sanders and I'm an attorney here in Pennsylvania. Specifically we're here today in the Brian Pierce case concerning his allegations of wrongful termination against the Department of Corrections or the Commonwealth of Pennsylvania.

I want to thank you for coming to my office. Prior to your coming today to the deposition they call this, have you ever been put under oath and asked questions by an attorney prior to this event today? Have you ever gone through this before?

A. Yes.

Q. How many times have you gone through this before

1 Q. What occurred in November of 2002? Were you  
2 terminated? Did you resign? What happened?

3 A. I took disability retirement and I also retired.

4 Q. So you took a disability retirement as opposed  
5 to a regular retirement?

6 A. Yes; that's correct.

7 Q. What location were you working at when you took  
8 your retirement for disability purposes in  
9 November of '02?

10 A. SCI Cambridge Springs.

11 Q. What was your position at SCI Cambridge Springs  
12 at that time?

13 A. I was a registered nurse on the 2 to 10 shift  
14 primarily working as team leader.

15 Q. Did you know Brian Pierce LPN before he started  
16 to work at SCI Cambridge Springs?

17 A. No.

18 Q. Were you treating for any stress related to your  
19 profession prior to January of '01?

20 A. January of '01?

21 Q. Prior to that were you suffering any symptoms  
22 that you felt were stress related to work?  
23 Prior to January of '01?

24 A. I had an ongoing illness of bipolar disorder.

25 Q. So that would have preceded January of '01?

1 as much as you are. Let me ask you this. When  
2 your illness gets out of hand, if it happens at  
3 work, can you tell me some of the things that  
4 you might do or say?

5 Let's try the do part. Do you know  
6 any things that you might do that would be a  
7 function of your illness becoming a problem at  
8 work? Would your voice go up? Would you get  
9 angry? Would you get sad? Would you have  
10 crying episodes? Whatever.

11 A. No. My anxiety manifested itself in difficulty  
12 sleeping.

13 Q. Would that result in your being tired at work  
14 from time to time because you didn't get the  
15 adequate sleep?

16 A. Perhaps.

17 Q. Okay.

18 A. Irritability.

19 Q. All right. There's been some testimony earlier  
20 today from the prior witness, Ms. Giroux -- I  
21 think I'm pronouncing it correctly.

22 A. Giroux.

23 Q. -- Giroux, that sometime just prior to your  
24 announcing your leaving in November of '02 that  
25 you were going to be called to a predisciplinary

1 conference.

2 A. Uh-huh.

3 Q. Do you know about that?

4 A. Yes, I do.

5 Q. Did you know about it before you took your  
6 leave?

7 A. Yes, I did.

8 Q. Did you know any of the allegations that they  
9 were making?

10 A. Yes, I did.

11 Q. What were some of the allegations they were  
12 claiming you as a nurse were being accused of?

13 A. That I was becoming irritable with inmates and  
14 staff.

15 Q. Did you agree with that having happened?

16 A. Yes.

17 Q. Anything else that they were going to be  
18 bringing up at the PDC that you never attended?

19 A. That's what I know to my knowledge.

20 Q. Did you ever get that in writing that that's  
21 what the subject of the PDC would be?

22 A. No, I didn't.

23 Q. You just got told verbally?

24 A. Yes.

25 Q. Do you remember who told you verbally that that

1 A. With Nancy and with Paul.

2 Q. Okay.

3 A. The exact contents, no.

4 Q. All right. When you would get upset at work,  
5 you would have this illness act up on you at  
6 work, would you have occasion to lose your  
7 temper or -- let's start with that. Would you  
8 lose your temper with co-employees?

9 A. Not usually. In fact, rarely.

10 Q. All right. What would you do that would cause  
11 them to be writing you up and sending you to a  
12 PDC then? What was it you were agreeing with me  
13 that occurred?

14 A. I don't know that any employee wrote me up.

15 Q. Did you ever write up any employees?

16 A. Yes.

17 Q. Do you remember any of their names?

18 A. Yes.

19 Q. What were some of them?

20 A. Brian Pierce.

21 Q. Anyone else?

22 A. I would have to think.

23 Q. Go ahead.

24 A. Maybe two years earlier I had written up an  
25 officer.



1 Q. Whose name was, or is?

2 A. Mark Kelley.

3 Q. Mark Kelley?

4 A. Uh-huh.

5 Q. Anyone else?

6 A. I can't recall.

7 Q. But there were others?

8 A. Maybe over 10 years. Early on.

9 Yes. An officer Ryan. I wrote her  
10 up on one occasion.

11 Q. A female officer named Ryan?

12 A. Yes.

13 Q. R-Y-A-N?

14 A. Yes.

15 Q. What did you write up Mark Kelley about?

16 A. It was an issue that had to do with threatening.

17 Q. Him threatening you?

18 A. Yes.

19 Q. What about Ms. Ryan?

20 A. Behaving inappropriately in front of an inmate  
21 that I felt put the inmate in harm I believe.

22 Q. Did you consider the PDC that you were about to  
23 go to in terms of your timing as to when you put  
24 in for your disability retirement? Did it have  
25 anything to do with your decision so that you

1 Q. So during the later part of your career you had  
2 occasions to have differences with Peggy Sue  
3 Haight and Yvonne McGuire and other people; is  
4 that correct?

5 A. I do not remember that Yvonne McGuire and I had  
6 an ongoing difficult relationship; no, I do not.

7 Q. But that's not the correct answer to the  
8 question about Peggy Sue Haight. That you  
9 remember.

10 A. Yes.

11 Q. And, in fact, you were so upset with Peggy Sue  
12 Haight and the way that she and you related with  
13 one another that you had suggested that she be  
14 terminated, didn't you?

15 A. That's not correct.

16 Q. Did you ever complain about her to any of your  
17 supervisors?

18 A. Yes, I did.

19 Q. And Ms. Haight left the employ of SCI Cambridge  
20 Springs in December of 2000?

21 A. Yes, she did.

22 Q. And it was her vacancy that Brian Pierce filled,  
23 wasn't it?

24 If I tell you that Brian started with  
25 you at SCI Cambridge Springs in January of '01

1 and that he filled the Peggy Sue Haight vacancy,  
2 do you have any reason to doubt me?

3 A. No.

4 Q. Did you ever have occasion to go into Chris  
5 Massung's office from time to time with  
6 complaints?

7 A. On occasion.

8 MR. SANDERS: That's all the  
9 questions I have of you, ma'am.

10 THE WITNESS: Okay.

11 MR. SANDERS: Mr. Eddy may have some.

12 MR. EDDY: I have none.

13 MR. SANDERS: Your deposition is  
14 over, and Mr. Eddy may have a question to ask  
15 you about whether you want to read this exchange  
16 before it becomes final, but I'll leave that to  
17 your lawyer, but, thank you for coming.

18 THE WITNESS: You're welcome.

19 MR. EDDY: The question simply is  
20 whether or not you, after she types your  
21 testimony, if you want to review it to make sure  
22 that it reflects everything you said accurately,  
23 or do you want to waive that?

24 Do you want to read it?

25 THE WITNESS: I would.

1 COMMONWEALTH OF PENNSYLVANIA ) CERTIFICATE  
 2 COUNTY OF ALLEGHENY ) SS:

3 I, Antoinette M. Rennebeck, RPR, a Court  
 4 Reporter and Notary Public in and for the  
 5 Commonwealth of Pennsylvania, do hereby certify that  
 6 the witness, SANDRA PIETRZAK, was by me first duly  
 7 sworn to testify to the truth; that the foregoing  
 8 deposition was taken at the time and place stated  
 9 herein; and that the said deposition was recorded  
 10 stenographically by me and then reduced to printing  
 11 under my direction, and constitutes a true record of  
 12 the testimony given by said witness.

13 I further certify that the inspection, reading  
 14 and signing of said deposition were NOT waived by  
 15 counsel for the respective parties and by the  
 16 witness.

17 I further certify that I am not a relative or  
 18 employee of any of the parties, or a relative or  
 19 employee of either counsel, and that I am in no way  
 20 interested directly or indirectly in this action.

21 IN WITNESS WHEREOF, I have hereunto set my hand  
 22 and affixed my seal of office this 31st day of  
 23 JANUARY, 2005.

24 *Antoinette M. Rennebeck*  
 25 \_\_\_\_\_

NMR COURT REPORTERS  
 Gibsonia, PA

NOTARY PUBLIC  
 Notarial Seal  
 Antoinette M. Rennebeck, Notary Public  
 Richard Twp., Allegheny County  
 My Commission Expires July 6, 2006  
 Member, Pennsylvania Association Of Notaries

## **ATTACHMENT E**

1 IN THE UNITED STATES DISTRICT COURT FOR THE  
2 WESTERN DISTRICT OF PENNSYLVANIA

3 BRIAN D. PIERCE, )

4 Plaintiff, )

5 -vs- )

Civil Action  
No. 03-173E

6 PENNSYLVANIA DEPARTMENT )  
7 OF CORRECTIONS, )

8 Defendant. )

9  
10 DEPOSITION OF: CHRISTINE MASSUNG  
11

12  
13 DATE: January 20, 2005  
14 Thursday, 3:50 p.m.

15 LOCATION: Law Offices of Neal Sanders  
16 1924 North Main Street Ext.  
17 Butler, PA 16001  
724-282-7771

18 TAKEN BY: Plaintiff

19  
20 REPORTED BY: Toni Rennebeck, RPR  
21 Notary Public  
22 NMR Reference No. 30738B  
23

24 CERTIFIED COPY  
25

1 DEPOSITION OF CHRISTINE MASSUNG,  
2 a witness, called by the Plaintiff for examination,  
3 in accordance with the Federal Rules of Civil  
4 Procedure, taken by and before Toni Rennebeck, RPR, a  
5 Court Reporter and Notary Public in and for the  
6 Commonwealth of Pennsylvania, at the Law Offices of  
7 Neal A. Sanders, 1924 North Main Street Extension,  
8 Butler, Pennsylvania, on Thursday, January 20, 2005,  
9 commencing at 3:50 p.m.

10 - - - - -

11 APPEARANCES:

12 FOR THE PLAINTIFF:  
13 Neal A. Sanders, Esq.  
14 LAW OFFICES OF NEAL A. SANDERS  
15 1924 North Main Street Extension  
16 Butler, PA 16001  
17 74-282-7771

18 FOR THE DEFENDANT:  
19 Thomas G. Eddy, Esq.  
20 Senior Deputy Attorney General  
21 Office of Attorney General  
22 Commonwealth of Pennsylvania  
23 Litigation Section  
24 6th Floor, Manor Complex  
25 564 Forbes Avenue  
Pittsburgh, PA 15219  
412-565-3578

1 as a result of Peggy Sue Haight quitting, do you  
2 remember that?

3 A. Not offhand, no.

4 Q. Do you remember Peggy Sue Haight?

5 A. Yes.

6 Q. Do you remember her being disciplined by SCI  
7 Cambridge Springs before she quit in December of  
8 2000?

9 A. I remember her being disciplined at different  
10 times but I don't remember that specific date.

11 Q. Okay. Do you remember Nancy Pietrzak being  
12 disciplined?

13 A. Yes.

14 Q. Do you remember Yvonne McGuire being  
15 disciplined?

16 A. Yes.

17 MR. EDDY: One thing, Neal. Did you  
18 mean to say Sandra?

19 MR. SANDERS: I meant to say Sandra  
20 Pietrzak. Did I misspeak?

21 MR. EDDY: You said Nancy.

22 MR. SANDERS: All right.

23 THE WITNESS: Oh, I thought -- I was  
24 thinking Sandy anyway in my mind. Sandy  
25 Pietrzak.



1 MR. SANDERS: I appreciate that, Tom.

2 THE WITNESS: Yeah.

3 BY MR. SANDERS:

4 Q. Do you recall Sandy Pietrzak being disciplined?

5 A. Yes.

6 Q. All right. Now, who would have been your  
7 supervisor in the last two years of your career?

8 A. Deputy Good.

9 Q. Is Deputy Good male or female?

10 A. It's a male. Deputy Dave Good.

11 Q. Who was your supervisor before Dave Good?

12 A. I can't remember his name.

13 Q. That's all right.

14 A. He had passed away.

15 Q. All right. Did Deputy Dave Good ever indicate  
16 to you at any time that he felt that you had not  
17 met expectations in your performance as a health  
18 care administrator?

19 A. Not in that way.

20 Q. Tell me the way that he represented it to you.

21 A. We just talked about how -- what his  
22 expectations are. And he's the type of person  
23 that would let me say what I wanted to do and  
24 then we both just conversed about it, that's  
25 all.

1 was anybody else.

2 I'm trying to think of the nurses  
3 themselves and --

4 Q. Well, let's go beyond the nurses. Marilyn Books  
5 was at SCI Albion for a time and then she came  
6 to SCI Cambridge Springs; right?

7 A. Yes.

8 Q. And you had other people that came from SCI  
9 Albion to SCI Cambridge Springs other than Brian  
10 Pierce.

11 A. Yes.

12 Q. All right. Did you have a program set up for  
13 orientation for people like Brian Pierce when  
14 they came from SCI Albion so they could  
15 understand the differences and the way you ran  
16 things differently at SCI Cambridge Springs,  
17 ma'am? A formal program?

18 A. We had an orientation program that we have set  
19 up for all of them. In fact, when they came  
20 through, they had a written sheet of paper that  
21 had what they had to accomplish during their  
22 orientation. They had to see like personnel and  
23 all the different things like that. Definitely  
24 that had that.

25 Q. And if I tell you that all happened on one day,

1 Q. Did you personally ever request any disciplinary  
2 action against Mr. Pierce?

3 A. Not really. Not to have a PDC hearing, no.

4 Q. In any fashion other than a PDC?

5 A. Just disciplining him for something he was doing  
6 that he wasn't supposed to.

7 Q. Do you have any specific recollection of that?

8 A. Yes.

9 Q. Could you elaborate please?

10 A. Brian, when he came over to our facility, wanted  
11 to do something that was -- he wanted to  
12 pre-pour medications. And when we had first  
13 started the facility they said -- an inspector  
14 came in and said we weren't allowed to pre-pour  
15 medicines, so we never did that, thinking it was  
16 -- you know, they said it was a law. Weren't  
17 allowed to do that.

18 When Brian came over --

19 Q. Who said it was a law?

20 A. I don't know their names because it was years  
21 ago. 10 years ago. But the inspectors that  
22 came in to inspect us. And because we had  
23 inspectors come in like monthly or so to inspect  
24 us making sure that everything was kosher.  
25 Actually every year they came in. But when they

1 first started, they said we were not allowed to  
2 pre-pour medicines.

3 Q. Were those DOC employees?

4 A. Yes.

5 Q. Okay.

6 A. So what happened was I had told Brian, because  
7 he wanted to pre-pour medications, and I told  
8 Brian we are not to pre-pour medications because  
9 it's the rule in here that we're not to pre-pour  
10 medications, and he challenged me on it.

11 Q. How did he challenge you?

12 A. Well, first of all he said -- he gave me all the  
13 reasons why he thinks he should pre-pour them.  
14 And I listened to that and I said that sounds  
15 really good and everything but I also gave him  
16 things that said it was wrong to do. Why it  
17 would not be good to do.

18 But then what he would do is, because  
19 we were on a -- I was on the first shift and he  
20 was on the second shift, he did it anyway. And  
21 we actually walked in on him with pre-poured  
22 medications sitting there, and he had gotten  
23 caught. And Nancy Giroux, I do know that she  
24 had disciplined him a couple times.

25 Q. When you say we walked in, who's we?

1 A. I walked in one day, and at other times she had  
2 walked in.

3 Q. Oh, okay.

4 A. And she had disciplined him. And I thought it  
5 was over with, but I had walked in on him, and  
6 it was the med line time and he had pre-poured  
7 medications and I said to him, Brian, you see  
8 these pre-poured medications here? You're not  
9 allowed to pre-pour. You knew you're not  
10 allowed to pre-pour medications, but I am not  
11 going to do it right now because there's inmates  
12 standing there. I mean, they couldn't hear you  
13 from outside anyway but I said since you are in  
14 the med line, I'm not going to stop this  
15 business, but we're going to discuss this  
16 business. And that's what happened. We  
17 discussed it.

18 Q. Did he admit to pre-pouring the medications?

19 A. Yes, he did.

20 Q. You said he knew he wasn't allowed to pre-pour  
21 medications. How would he know that?

22 A. He had been disciplined by Nancy Giroux I know  
23 of two times at least. I don't remember the  
24 dates or anything but I know that she did that.  
25 And that's why I thought it was over with; that

1 she told him no, no, no.

2 Q. You mean prior to the time that you observed him  
3 doing that?

4 A. Yes. And then when I walked in, they were  
5 already pre-poured. I talked to him about it.  
6 And he still argued the fact that he thought he  
7 should do them. And so I said, okay, let me --  
8 I was being nice about it. I said, let me go  
9 find different books if there's any rulings or  
10 laws or anything like that. And I do remember  
11 going into books and things, and there was one  
12 Fundamentals of Nursing that I looked into and  
13 they said that wouldn't be a good idea to do,  
14 and they gave the reasons, and I thought that's  
15 basically what we were thinking but --

16 Q. Do you remember the reasons?

17 A. Yes. For one thing those medications are out of  
18 the bottles. They're collecting dirt from the  
19 air. That's one thing.

20 If you have them there and you happen  
21 to have to leave in an emergency, somebody might  
22 come in and not realize what those meds are and  
23 stuff and have to give -- and you're supposed to  
24 -- when you give them, you're supposed to be  
25 popping them out to that person right then, not

1 be having them ahead of time, because if they  
2 would leave, then -- you have to leave for some  
3 reason and then somebody has to come in and fill  
4 in for that, that's not a good idea to do that.  
5 You could give them the -- you know, something  
6 could be messed up. That's basically the  
7 reason.

8 Q. Is there also a possibility of tampering?

9 A. Tampering. Anything could happen.

10 Q. Did Mr. Pierce ever use the defense or state to  
11 you that this was a practice at Albion and  
12 that's why he did it here?

13 A. I don't think he ever used that on me. I don't  
14 think so.

15 Q. Do you know if they do that sort of thing at  
16 Albion?

17 A. I don't remember. I don't know if they did, no.  
18 I just said here we don't at least. I don't  
19 know if he did.

20 Q. You made it clear to him that at least at  
21 Cambridge Springs it doesn't happen there?

22 A. Right.

23 Q. But you stated that you felt that was a DOC  
24 policy by virtue of these inspectors that had  
25 come around and told you not to do that.

1 was in there, then things started to change with  
2 the way he wanted things done when he wanted  
3 them done. This is the way we should do it  
4 here. This is the way it should be done here.  
5 And it was just always that way.

6 Basically that was it. I always just  
7 felt that he was trying to be contrary to what  
8 we were doing there. And we did listen to him.  
9 We did. We listened to him about the things  
10 that he wanted to do, and we took it into  
11 consideration. And then we would come and say  
12 this is the reason why we don't want to, and he  
13 just didn't like the reasons.

14 Q. Did you ever discipline Mr. Pierce because he  
15 was a man?

16 A. No.

17 Q. In the instances where you did discipline him,  
18 in your opinion he was guilty of either  
19 infractions of policy or refusal to correct  
20 behavior for which he had been previously  
21 warned?

22 A. Yes.

23 Q. Do you know of any female nurses who would have  
24 been not disciplined for the same behaviors?

25 A. No. Because like I said earlier, I did not



1 remember how certain ones, like Ms. Haight, but  
2 she was disciplined for actions similar to that  
3 and we did that with her. And I just don't  
4 remember all the in's and out's about it or the  
5 basic things, but I remember her being  
6 disciplined for that kind of thing too.

7 Q. Do you remember her correcting her behavior?

8 A. Yes, she did. She corrected it.

9 Q. So the distinction between things that might  
10 have happened to Mr. Pierce and somebody like  
11 Ms. Haight would lie in the fact that one  
12 corrected their behavior and the other refused  
13 to?

14 A. Yes.

15 MR. EDDY: That's all I have.

16 - - - -

17 RE-EXAMINATION

18 - - - -

19 BY MR. SANDERS:

20 Q. You left out a little bit here. Let's go over  
21 some things. You remember you're under oath;  
22 correct?

23 A. Yes.

24 Q. One of the things that you forgot to tell  
25 Mr. Eddy when he was questioning you is that on

1 BY MR. EDDY:

2 Q. Were you aware that Mr. White had a  
3 discrimination case pending against the  
4 Department of Corrections at any time?

5 A. Yes.

6 Q. Were you ever a part of that proceeding?

7 A. No.

8 Q. Were you a decision-maker at all in connection  
9 with anything that might have happened to him?

10 A. No.

11 Q. Do you have an opinion on Mr. White? Do you  
12 have any personal animosity towards him?

13 A. No.

14 Q. Did you ever take any action, disciplinary  
15 action against Mr. Pierce because he might have  
16 been involved in Mr. White's case against the  
17 department?

18 A. Absolutely not.

19 Q. Did anybody ever insinuate or infer or instruct  
20 you to do that?

21 A. No.

22 MR. EDDY: That's all I have.

23 - - - -

24 RE-EXAMINATION

25 - - - -